

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MICHAEL J BELLEAU,

Plaintiff,

Case No. 12-C-1198

v.

KEVIN C. GREENE,

Defendant.

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

The plaintiff, Michael J. Belleau, proceeding *pro se*, has brought this action against Brown County Assistant District Attorney Kevin C. Greene, alleging a violation of his federal constitutional rights. More specifically, Belleau alleges that Greene, without authorization, ordered that he be fitted with a “GPS” and placed on electronic monitoring. The Complaint alleges that the actions of the defendant took place after Plaintiff was discharged from a commitment under Chapter 980 of the Wisconsin Statutes, which allows confinement and other restrictions on the liberty of individuals found to be sexually violent offenders. The case is presently before me on Belleau’s petition to proceed *in forma pauperis*.

Ordinarily a plaintiff must pay a statutory filing fee of \$350.00 to bring suit in federal court. 28 U.S.C. § 1914(a). The federal *in forma pauperis* statute, 28 U.S.C. § 1915, however, insures indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). Section 1915 authorizes an indigent party to commence a federal court action without costs and fees upon submission of an affidavit asserting an inability “to pay such fees or give security

therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a).

From the affidavit, it appears that Belleau is able to pay the filing fee and is not indigent for purposes of doing so. He indicates that he has a checking account with more than \$3,825.00 in it. He pays no rent, has no debts, and lives with another person with whom he shares household responsibilities. There is no indication as to what the income or employment status of the other person is. In addition, Belleau receives over \$1100.00 per month in social security, food stamps, and has free medical care under the Medicare program. Given the circumstances, it appears that Belleau is clearly able to pay the \$350.00 filing fee. While \$3800.00 in the bank and \$1100.00 per month tax-free income is not a lot of money, given the fact that Belleau has no debt, no mortgage, no rent and no medical expenses, and also receives food stamps, I am unable to find that he is indigent.

Accordingly, the Motion to proceed *in forma pauperis* is denied and Belleau is directed to pay the filing fee within the next 30 days. Failure to do so will result in dismissal of the action without prejudice.

SO ORDERED at Green Bay, Wisconsin this 28th day of November, 2012.

BY THE COURT

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court